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Kilma & Jackson LLP
Suite 920
4501 North Fairfax Drive
Arlington, VA 22203

In re application of
John Myatt et al.

Application No. 10/690,825

Filed: October 23, 2001

For: SIGNAGE RETROFIT KIT FOR
VENDING MACHINES

: DECISION ON REQUEST
: FOR WITHDRAWAL OF
: ATTORNEY

This is a decision on the request filed on July 23, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. For approval of such a request the following conditions must be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) There must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a);
- C) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided;
- D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

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The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions A) and B) above.

As to condition A) the request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition (A) above. The request to withdraw as attorney in the above-identified application is not approved because the attorney making the request; J. Scott Davidson, does not now have, and apparently never has had, power of attorney in this application. The Power of Attorney submitted March 23, 2004 was signed by an assignee. However, it is not acceptable since there is no record of an assignment in the file.

As to condition B) while a reason may be provided by referencing a **specific** portion of 37 CFR 10.40, simply not specifying a reason, is insufficient. Condition B) can be met by referencing a specific portion of 37 CFR 10.40(c) (1)-(6).



Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866
Facsimile No.: (703) 605-0586

KJD/slb:10/13/04